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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 15 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Delaware County Solid Waste Authority
1521 North Providence Road
Rose Tree Park
Hunt Club Building
Media, PA 19063

Attention: Michael F.X. Gillin, Esq., Solicitor

Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and
Folcroft Landfill Annex

Dear Mr. Gillin:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Delaware County Solid Waste Authority and its predecessor, the Delaware County Incinerator Authority, may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek. Please refer to the enclosed documents related to the Delaware County Solid Waste Authority's involvement at the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e),

Customer Service Hotline: 1-800-438-2474

EPA has the authority to require Delaware County Solid Waste Authority (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

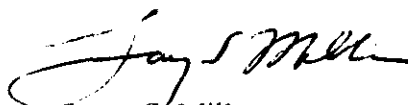
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller
Chief, PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
EPA Contractors and Grantees
Enclosure C: List of Contractors that May Review Your Response
Enclosure D: Definitions
Enclosure E: Instructions
Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A

Lower Darby Creek Area Site Map

Customer Service Hotline: 1-800-438-2474

Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
 - IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Guardian Environmental Services, Inc.
Contract #68-S3-99-04
 - ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
 - Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
 - Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Home Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc.- Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.
- List of Cooperative Agreements**
- National Association of Hispanic Elderly
- #CQ-822511
 - AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

Definitions

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the mailing address and telephone number of the Delaware County Solid Waste Authority ("DCSWA"). Further identify:
 - a. The dates and states of incorporation of the DCSWA;
 - b. The date and original state of incorporation of the DCSWA; and
 - c. The parent corporation of DCSWA, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted by the DCSWA? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by the DCSWA who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Describe in detail the history of operations at the Delaware County incinerator located adjacent to the Folcroft Landfill and Folcroft Landfill Annex. Please also provide:
 - a. The dates of its operation;
 - b. The nature of its operation;
 - c. The type of waste accepted at the incinerator for disposal and the companies from which such waste was accepted;
 - d. The method of disposal and the location at which the ash or other waste was disposed;
 - e. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste (including, but not limited to, ash) during the period in which the incinerator operated.

5. Describe in detail the history of operations of any other DCSWA owned and operated incinerators, landfills, transfer stations or other facilities. For each, further provide:
 - a. The dates of its operation;
 - b. The nature of its operation; and
 - c. The type of waste accepted for disposal;
 - d. If referencing an incinerator, the method of disposal and location at which the ash or other waste was disposed;
 - e. If referencing a transfer station, the location at which accumulated waste was ultimately disposed.
 - f. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste (including, but not limited to, ash) during the period in which they were operating the establishment(s).
6. Describe the types of documents generated or maintained by DCSWA concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
 - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between DCSWA, and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between DCSWA and any other company or entity regarding the transportation and disposal of such wastes.
7. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled by DCSWA between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
 - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of

- each such hazardous substance;
- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
 - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.
8. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by DCSWA between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
 - c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
9. Did DCSWA ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from DCSWA facilities between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or

transported for disposal;

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
11. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and

- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
12. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
13. Please identify individuals employed by DCSWA who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
14. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
15. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
16. Representative of your establishment(s):
- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.

Customer Service Hotline: 1-800-438-2474

- b. Provide the name, title, current address, and telephone number of the individual representing DCSWA to whom future correspondence or telephone calls should be directed.
17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

I am going
10/23/69

September 12, 1969

Industrial Waste
Hydrogeologic Reinvestigation of
Folcroft Landfill
Folcroft Borough, Delaware County

Harold Miles
Solid Waste Coordinator
Human Services Region I

Through: Director, Division of
Water Quality

Grever H. Emrich, Ph.D.
Ground Water Geologist
Division of Water Quality

Director, Division of
Community Environmental Services

Regional Sanitarian
Human Services Region I

F. Glade Loughry, Ph.D.
Soils Scientist III
Division of Community Environmental Services

A reinvestigation was conducted of the Folcroft Landfill, Folcroft Borough, Delaware County, on August 28, 1969. The purpose of this investigation was to determine the effect on the environment of continued operation of this landfill. The following persons were present during the investigation: Dr. F.G. Loughry, Soils Scientist, Harrisburg; Mr. W. Bucciarelli, Chief, Solid Waste Section, Harrisburg; Mr. Ed Miles, Solid Waste Coordinator, Philadelphia; Mr. C. Rehm, Assistant Regional Sanitary Engineer-Operations, Philadelphia; Miss C. Peterson, WPCS I, Philadelphia; and Dr. G. H. Emrich, Ground Water Geologist, Harrisburg; all of the Pennsylvania Department of Health.

The weather during this investigation was overcast and warm. This site was previously evaluated in a report of May 2, 1967, from Dr. Emrich and Dr. Loughry to Leonard M. Jones, Regional Sanitarian. The exact location is 2.0 inches north and 2.5 inches west of the southeast corner of the Lansdowne 7.5 minute quadrangle or latitude 75°16'5" and longitude 39°53'9".

The landfill receives solid wastes from ten surrounding communities: the Philadelphia Navy Yard, the Boeing Vertical Company, and the American Viscose Company. They accept no liquid industrial waste or septic tank pumpings. The daily volume of waste is 80 to 90 truck loads of solid refuse and 30 to 40 of ashes and demolition wastes. Cover material consists of dirt that is hauled to the site. The landfill started seven or eight years ago in the area of the garage and office building. Landfilling has proceeded to the south paralleling Darby Creek for about 1,000 feet and then west for 500 feet.

Maximum thickness of landfill is reported to be 30 feet. The landfill to the south of the office building has very poor cover. There are numerous spots south of the office building in which oily sludges have been dumped on the surface. Sewage sludge has been dumped on the east side of the landfill near Darby Creek. There are tomato plants growing in sludge that are no more than six weeks old, indicating a recent origin for sludge. For 1,000 feet south of the maintenance building there are demolition wastes along the west shore of Darby Creek between the refuse and the creek. The landfill in this area is within 15 to 20 feet of the stream. Refuse in this area is very poorly covered.

September 12, 1969

There is active dumping on the west side of the landfill approximately 1,000 feet southwest of the maintenance building. The cover is very poor or non-existent. Refuse from the Delaware County incinerator #3, when it broke down three to four weeks ago, was deposited on this end of the landfill. Refuse is very poorly compacted.

Incinerator "ash" on the southwest corner of the landfill (approximately 150 to 200 feet west of Darby Creek) is very poor quality; there are unburned paper and rags and some of the material is still burning. The cover material is very poorly spread over incinerator ash and refuse by a front-loader. The ash and refuse are pushed into the marsh immediately west of the landfill. There is an acute fly problem in this area. Rats were seen in the southwest corner of the landfill.

On the west side of the landfill refuse was pushed into the swamp. Weeds have grown up so that it is not readily obvious. There is much smoldering refuse along the west side of the landfill.

There is a pond 1,500 feet west of the incinerator plant. The pond is 10 by 30 feet with overflow to the east. About 10 feet east of the outflow from the pond there is a black colored second inflow with a volume of 20 gpm. The outflow from the first pond is less than 1 gpm. The two streams merge and flow to the south.

Quench water from the incinerator goes into a lagoon behind (west) incinerator with outfall into tidal streams. The black organic material we have seen, probably represents the overflow from the lagoon which spreads into the tidal marshes during high tide and is now draining out during the period of low tide flow.

Landfilling has now proceeded to the north side of Hermesprota Creek, south of Tribitt Avenue and due west of the landfill maintenance building. This is the area of most active land filling, and it presently covers 10 acres. The north part of the landfill was on naturally high ground (10 feet above tidal marshes) and was removed for cover material. This material is yellow-brown, permeable sand with some silt and a little gravel (Cape May Formation). This part of the landfill extends southward to Hermesprota with a buffer zone of demolition wastes between the Hermesprota and the refuse. The buffer of demolition wastes also exists on the west side of the landfill. No leaching was observed from this part of the operation. Cover material for this part of the landfill consists of impure, permeable sand. There is poor cover material. There was incomplete covering of solid waste.

The geology and ground water are described in the memorandum of May 2, 1967.

All of the landfill between Darby Creek and Hermesprota Creek and most of that on the northwest side of Hermesprota Creek was established on Tidal Marsh; where it is possible to check the original soil adjacent to the south end of the fill and west of the fill. The surface is dark-bluish-gray silt that is plastic and only slightly sticky. Dredged cover material indicates that this silty material is underlain by more sandy strata at a depth of a few feet.

Harold Miles

-3-

September 11, 1969

The north edge of the newer section of the fill, northwest of Hermesprota Creek is on an area originally mapped as Woodstown loam. Excavation of soil for cover material has removed the surface soil and much of the subsoil. The sloping area remaining near the property line has remnants of brown silt loam upper subsoil over mottled brown, gray, and strong brown sandy clay loam lower subsoil.

Summary and Recommendations

The Folcroft Landfill has grown since the previous investigation to cover an additional 10+ acres. The growth has been to the northwest across Hermesprota Creek. There continues to be numerous areas of smoldering refuse, numerous flies and rats, and very poor compaction and covering of refuse. Refuse is still being deposited in or near surface and ground water. This site is not suitable for landfilling because of (1) the high water table and very permeable sands below the landfill which results in ground water pollution, and (2) the lack of suitable and sufficient cover material. Operation of the landfill is poor to marginal.

GHE:lks

cc: Regional M.D., H.S. Reg. I
Regional S.E.
Regional Sanitarian
Mr. Rehn, H.S. Reg. I
Miss Peterson, H.S. Reg. I
Division of Industrial Wastes
Mr. Bucciarelli
Dr. Loughry
Dr. Enrich
Sanitary Engr., Files
BHEC Files

File #11R

B. T. McNichol

INCINERATOR DISPOSAL SERVICE

58TH ST. AND SCHUYLKILL RIVER
PHILADELPHIA 43, PA.

January 4, 1964

Regional Sanitary Engineer (Region VII),
Pennsylvania Department of Health,
1400 W. Sping Garden Street,
Philadelphia 30, Pa.

ATT: Robert R. Sharpe, Water Pollution Control

Gentlemen:

With reference to your letter of December 23, 1963
we submit the following items for your information and perusal:

- a. Unlike other townships, the borough of Folcroft made a complete study of landfill regulations before enacting an ordinance to permit landfilling in the borough. This ordinance is No. 452, adopted October 31, 1962.
- b. Ordinance No. 452 call for and earth dike to be built along all streams. This dike is to be six (6) feet at the base and taper to one (1) foot at the top. Folcroft Landfill has been constructing this dike for the eight (8) months of our operation with a fifteen (15) foot base narrowing to three (3) feet at the top.
- c. Ordinance No. 452 call for fencing to be erected to stop paper blowing off the property. So far, Folcroft Landfill has erected and is maintaining 2100 feet of fencing, far more than would ordinarily be necessary. This fencing is a 6 inch mesh wire construction 6 feet high.

Folcroft Landfill is mainly concerned with the disposal of rubbish, demolition material and incinerator residue and we have not accepted solid loads of garbage, sludge or chemicals, nor is it our intention to landfill such materials.

Folcroft Landfill does no open burning, this eliminates the possibility of half burned paper blowing into a stream.

CITY OF PHILADELPHIA

-2-

B. T. McNichol

INCINERATOR DISPOSAL SERVICE

58TH ST. AND SCHUYLKILL RIVER
PHILADELPHIA 43, PA.

We would like to point out that there are three other private landfills bordering Darby Creek, all within a half mile of our operation, namely Gulf Oil Corp., Clearview Land Development and Salerno. If, any of these, or any other landfill bordering a stream has devised a better plan for the protection of our streams we will be most anxious to learn how to do the job better for the common good of the Commonwealth of Pennsylvania,

In a spirit of cooperation, we will be only too willing to accept any guidance or recommendations from your office and with this same spirit of cooperation we have been in contact with the Army Engineers and the Darby Creek Joint Authority, as it is our aim and the desire of the Borough of Folcroft that we run a model landfill operation, that will meet and surpass all regulations.

Looking forward to receiving your cooperation and suggestions in regard to the proper methods of operations, as we always are aware of the fact that is more economical to do the job right the first time.

Very truly yours,

Edward P. Mullen
Supt. Folcroft Landfill Corp.
Folcroft, Pa.

cc Mr. L. M. Jones, Supervising Sanitarian ✓
Delaware County Health Center

Health Officer, Folcroft, Pa.

QUICK
REPLY

U.S. Environmental Protection Agency
Region III
Philadelphia, Pennsylvania

U.S. Department of the Interior
Fish and Wildlife Service
Boston, Massachusetts

ORIGINAL RED

SITE INVESTIGATION REPORT FOR THE FOLCROFT LANDFILL AND TINICUM MARSH

SEPTEMBER 1989

Prepared By:

Gannett Fleming Environmental Engineers, Inc.
Harrisburg, Pennsylvania

In Association With

EcolSciences, Inc.
Rockaway, New Jersey

II. SCOPE AND BACKGROUND

ORIGINAL RED

A. BACKGROUND INFORMATION

A.1 Site Description and History

The Tinicum Marsh is located in the Delaware River floodplain in Delaware County along the Darby Creek (Figure II-1). It is the largest freshwater tidal marsh in Pennsylvania. Over the years, urbanization and industrialization of the Philadelphia area have depleted the tidal marsh, which originally encompassed about 5,700 acres. At this time there are approximately 350 acres of tidal marsh remaining. They are located within the Tinicum National Environmental Center (TNEC), a 1,200 acre National Wildlife Refuge Area administered by the U.S. Fish and Wildlife Service.

The TNEC is located near the confluence of Darby Creek and the Delaware River. It was established by Congress in 1972 to preserve diverse fish and wildlife habitat for natural and educational purposes. Areas surrounding the TNEC are highly urbanized and include an airport, and industrial, residential and commercial areas. This proximity of the TNEC to the urban Philadelphia area enhances its value as an educational model which illustrates the functions and benefits of a freshwater tidal marsh. Over 43,000 people visited the Center in 1987 to engage in hiking, bicycling, canoeing, fishing, bird watching, nature photography, environmental education, and other outdoor-related activities.

There are two closed landfills within the TNEC: the Folcroft Landfill and the Folcroft Landfill Annex (referred to hereafter as the Folcroft Annex). A third closed landfill, the Clearview Landfill, is adjacent to the northern corner of the TNEC. The boundaries and approximate sizes of the landfills are presented in Figure II-1. Allegations of hazardous waste dumping and the possible health risks associated with closed landfills in public areas have prompted several environmental investigations at the TNEC.

Folcroft Landfill is bordered by Darby Creek and Thoroughfare Creek on the east, Hermesprota Creek on the west, and the closed Delaware County Incinerator and Delaware County Sewage Treatment plant on the north. According to a report entitled "An Investigation of Potential Hazards at the Tinicum National Environmental Center", the landfill officially opened in 1959, but historical photographs indicate dumping began as early as 1953 (USEPA and USFWS, 1986). By 1958, the landfill covered about 2 acres of marsh area. Dumping continued until 46 acres of wetlands were filled, and the landfill directly abutted Darby Creek, Thoroughfare Creek, and Hermesprota Creek. Sixteen acres of wetlands were also filled in an area directly west of Folcroft Landfill known as the Folcroft Annex. The sites operated under DER Solid Waste Permit Number 10053 and were permitted to accept municipal, demolition, and hospital wastes. PA DER inspection reports indicate that the landfill was not used solely for municipal dumping. For example, wastes were reportedly received from the Philadelphia Navy Yard, Boeing Vertol, American Viscose, and the neighboring incinerator. In 1973, the landfill was closed for permit violations and improper management. Closure operations began in 1974 with orders to regrade the landfill, eliminate the excessively steep slopes, eliminate fires, and cover refuse with fill. Cover was allegedly obtained from dredge spoils, I-95 construction sites, and a construction site at the SunOil Co. refinery in Marcus Hook.

Prior to this study, four field sampling programs were conducted in the 1980's at the TNEC site. On October 29, 1980, a site inspection of the Folcroft Landfill was conducted for EPA by Ecology and Environment, Inc. Field observers noted smoke emanating from an underground fire and one major leachate flow with brown stained residue along Hermesprota, Darby and Thoroughfare Creeks. A total of 12 environmental samples were collected (one leachate, four soil, and seven water) and analyzed for metals, organic compounds, and pesticides. In July 1983, a fire occurred at the Folcroft Annex. At that time several drums were uncovered. Eight samples were taken from the drums and classified in terms of pH, flammability, reactivity, corrosivity, and pesticide content. Two drum samples were also screened for metal content (As, Ba, Cd, Cr, Pb, Hg, Se, and Ag). Soil, sediment, water, and air samples were also taken and screened for 44 contaminants. In September 1983, EPA collected four sediment samples and five surface water

G - Waste Disposal

cc: Mr. Barolak
~~Dr. Kelton~~
Mr. Miller

Bristol, Pennsylvania
December 11, 1967

MEMORANDUM

To: Mr. W. C. Scott
From: T. Iezzi
Subject: Inspection of Landfill Sites for Drummed Wastes

This confirms the verbal reports I gave to you and Mr. Miller on the two landfill operations I visited on Friday, December 1, to inspect for possible sites for the disposal of our drummed wastes.

Falcraft Landfill Corporation, Calcon Hook Road, Darby Township, Delaware County, Pennsylvania. - Mr. B. McNickle, Owner, Mr. A. Tamaccio (Mr. Jonas' partner), and the writer met with Mr. E. Mullen, Dump Supervisor. The landfill is located on a large tidal marsh land area (over 700 acres guesstimated) near the confluence of Darby Creek and the Delaware River about midway between Chester and Philadelphia International Airport. The landfill is handling a large volume composed of all sorts of rubbish, trash, some garbage, drummed wastes from duPont and Allied Chemical and residue from the Delaware County Incinerator located adjacent to the fill. Operations are on a full time basis and equipment appears sufficient and heavy enough to do the job. The major fill work is eastward and parallel, but several hundred feet from Darby Creek. Minor fill effort is progressing southward towards the Falcraft Development. The eastward fill is done by depositing directly on the marsh land and the southward fill is done by excavating the toe area for backcover fill with equipment (drag line) located on previously deposited fill. The southward fill is 200 to 300 feet past Mainthorofare Creek (a tributary to Darby Creek), which runs through the landfill. Darby Creek is polluted and the floodtide flow in Mainthorofare Creek showed visible signs of gross pollution. Mr. Mullen reported on test excavating which indicated a very slow rate of infiltration in the area.

Mr. Mullen apparently has had interesting experiences with complaints and visits by complainants. He isn't looking for trouble and said he did not want "any of that putrid stuff." I told him that we have odorous chemical materials, but they are to be buried in the drums they are shipped in and there should be no problem with them if handled and buried properly. I did not go into details on handling. I assume Mr. Miller's contracts cover this including such business as accumulating materials which occurred and resulted in a large fire at the last site.

I believe this site is satisfactory and will be safe if the material is buried in the southward fill direction from the landfill office and past Mainthorofare Creek and deposited in the excavated toe area only when the area is dry and covered immediately or in a trench located in previously deposited fill at least 100 to 150 feet back from the advancing fill line.

FOLCBR 00366

Lipari Landfill, Mantwa Township, Gloucester County, New Jersey. - Mr. Jonas accompanied us but Mr. Lipari, Owner-operator, was not present. The site is located off Rt. 322 about one to two miles from Glassboro. The operation is situated in a young peach orchard along a draw which drains the area. Soil is sandy. The landfill is small, very clean, and believed to have been begun only recently. Disposal is by trenching and backcovering. The apparent movement of ground water is towards and along the draw with probable emergence or near emergence occurring within about 500 to 1,000 feet of the site where the draw breaks into a rather sharp downward slope.

I believe the landfill poses a real threat to ground and surface water supplies and I do not recommend we use this area for the disposal of our material.

T. Iozzi

TI:mff

151 West Fifth Street
Chester, PA 19013
ORIGINAL (Red)

January 19, 1973

SUBJECT:

Folcroft Landfill
Delaware County

TO:

Douglas Blazey
Tim Weston
Environmental Strike Force

FROM:

Bruce Beitler & Robert Kelly
Solid Waste Specialists
Region I

Another inspection of Folcroft Landfill was conducted on January 19, 1973. Slight improvement of the conditions noted on January 12, 1973 was observed, however, four of the five items found in violation on January 12, 1973 have not been brought into complete compliance with the Interim Consent Order. Violations observed on January 19, 1973 were as follows:

- 1) Most waste is receiving a daily cover of incinerator residue. No daily earth cover is being provided.
- 2) Evidence of underground smoldering was still observed along the northern slope of the landfill, however, very little smoke was being emitted at the time of the inspection.
- 3) One short section of litter control fencing has been erected, however, because of its size and its location it has been largely ineffective. None of the blowing litter which is scattered around the site has been collected.
- 4) Several dozen drums of assorted liquid wastes were found to be recently deposited on the site. A record of the types and amounts of this waste has been prepared.

Several pictures illustrating these violations were taken.

BDB:RK/rmn

cc Jim Syder

ORIGINAL
(1)

Folkcroft Dump Closes Tinicum Marsh

By ROBERT FOWLER
Of The Inquirer

Ancient Egyptians needed 20 years and thousands of workers to build a pyramid while a mere handful of modern-day workers have fashioned a 50-foot-high pyramid of trash in half the time on a Folkcroft, Delaware County, site.

The pyramids are mammoth tombs for royalty but the privately owned Folkcroft Landfill Corporation's monumental 50-acre dump burns as a festering sore that oozes into the Tinicum Marsh and is a haven for rats.

Ordered Closed

Commonwealth Court Judge Genevieve Blatt ordered the Folkcroft Landfill closed on April 4, after she held the dump's operator, Edward P. Mullen, in contempt of her court.

The Folkcroft dump was opened in 1953 when it was still thought a good idea by local, state and Federal governments to reclaim swamps by filling them with trash and at the same time reduce the mosquito population.

Then, in the later 1960s, ecology became important and swamps changed their names to wetlands and marshes became respected. The nearly 1,500 acres of the Tinicum Marsh became important because of the thousands of migratory waterfowl and shorebirds that rest and feed there.

Congress approved legislation in 1972 calling for acquisition of up to 1,200 acres of marsh for the Tinicum National Environmental Center by the Department of the Interior. However, the money has not yet been appropriated for the project.

900-Acre Area

The heart of the center will be 900-to-1,000-acre area generally bounded on the west by Wanamaker ave. (Rte. 420), on the south by I-93, on the east by the easterly edge of the Tinicum Wildlife Preserve in southwest Philadelphia, and to the north areas in Dart Township, Folkcroft, Norwood and Prospect Park.

The controversial Folkcroft Landfill is not included in the federally planned environmental center.

The Tinicum Marsh is an unique area, affected by the tides of the Delaware River and the three sewage treatment plants that dump into Darby Creek, the marsh's main feeder stream.

Tinicum is used in the fall by birds to warmer climates in the winter.

Has Bad Effect

That the Folkcroft Landfill has had a detrimental effect on the Tinicum Marsh cannot be denied.

A study released in 1976 by the Conservation Foundation stated: "Adult rats are common near the landfill even though at least 1,430 gallons of poison ... have been applied."

"Apparently juvenile rats, which are forced by the adults to emigrate from the dump area, colonize other parts of the marsh. They seem to have replaced the native rodents ... are relatively large and adept at fighting, will eat nearly any kind of food and predators are not abundant," the study says.

Mrs. Bernice Phillips, a long-time opponent of the dump who lives near it in Folkcroft, said her dog Teddy has become adept at catching rats.

"My husband kills rats with a broom," Mrs. Phillips said. "You know, he gets the ones who are staggering from poison."

R. Timothy Weston, a special assistant state attorney general with the Environmental Strike Force, said that "industrial poisons and other bad things" seep from the dump into the Darby Creek. The creek forms the southeast border of the dump.

Colored Sludge

"We've had white, red, and green sludges," Weston said, "and paint leads and oils in the creek from Folkcroft (Landfill)."

Under the Pennsylvania Solid Waste Management Act 211 of 1968, a landfilling operation needs a state permit to operate.

Folkcroft could never qualify for a permit because it is in the wetlands, and could not avoid being a polluter of the Tinicum Marsh.

Weston says that the Folkcroft dump has been operational on some occasions since its supposed closing on April 4.

"They ostensibly closed it April 4th or 5th," Weston said, "but we find they are still dumping things there."

When a reporter asked Mullen, vice president and manager of the Folkcroft Landfill Corp., if any dumping had taken place at the dump since April 4, he replied: "Pos-

The March 20 contempt order threatened Mullen with imprisonment if he did not comply with a number of housekeeping chores at his dump.

Essentially he is required to cover the 50-acre site with two feet of dirt by Tuesday, and to grade the slopes to 15 degrees.

Wayne Lynn, the state Department of Environmental Resources (DER) solid waste management coordinator for the Philadelphia Region, inspected the Folkcroft dump last Wednesday.

Lynn's inspection revealed that almost no work has been done towards properly covering the dump, and a small fire was still smoldering.

"It's an impossible task for him (Mullen) to get it completely covered by the 5th," Lynn said, "even if he worked around the clock."

Problem With Fill

Mullen agrees that he'll have problems covering the dump with two feet of dirt by Tuesday, and the gulls who feast on dump garbage won't have to find a new lunchroom for a while.

Mullen said he planned to dredge the channel of the Darby Creek with state approval, using this muck to cover the first foot and trucking in dry soil for the second foot of cover.

But the Army Corps of Engineers nixed this project shortly after it started because dredging a tidal area, which the Darby Creek is at this point, requires a Federal permit under the 1899 Harbors and Rivers Law.

So far this year the court has fined Mullen \$1,000 personally, and the Folkcroft Landfill Corp. \$2,400 for violating the court order. The corporation still owes the state \$1,400 in fines.

The state also is considering court action against the government of Delaware County for operating a landfill at its Darby Township Incinerator Plant No. 2, without a state permit.

Tri-County Hauling, which has a contract with Delaware County to haul ashes from the incinerator, has been illegally dumping the smoldering residue on property at the plant since the Folkcroft Landfill was closed.

The incinerator plant property abuts the Folkcroft dump. Tri-County Hauling is owned by the SCA Corp. of Boston, and the same Edward

These low areas were formed last February and March when, according to Mullen, "We dug out about 1,000 truck loads of ashes from the county's property and we are now filling in what we dug out."

Mullen explained he foresaw the closing of the Folkcroft dump and acted quickly so Tri-County would have an alternate area to dump the residue.

However, Tri-County's contract with Delaware County specifically states it is up to the hauler to find a landfill for the incinerator residue and is not the county's responsibility.

Delaware County's two Republican commissioners, C. L. Tania and Harry A. McNichol, voted on May 23 to extend

Tri-County's one-year \$115,000 contract through Thursday.

William A. Spangler, the county's lone Democratic commissioner voted against extending the contract to Tri-County, calling the dumping of the incinerator residue on county property "a disgrace."

All three commissioners voted to award a new one-year contract for hauling waste materials from the Darby incinerator, when Tri-County's contract expires, to the Solid Waste Removal Corp. of Marple for \$178,000.

However, William Schaffer, president of the Marple firm, told The Inquirer he will not be ready to remove the residue from the Darby plant until June 18.

Schaffer's operation will require special equipment which is now being fabricated, and which he will install at the Darby plant on the weekend of June 16 and 17.

Schaffer said the special equipment is needed to dry the incinerator residue before he hauls it to a site in New Jersey. The residue will be compacted and shipped in special leak-proof containers so there will be no drippings on the highways.

Mullen said he is shutting down his hauling operation on Thursday, and the county may find itself in a crisis between then and June 18, with no place to haul the nearly 200 square yards of residue produced at the Darby plant daily.

Mullen wants to build a trash compacting and transfer station on the site of the Folkcroft Landfill.

The dump site is leased to the Folkcroft Landfill Corp. by

from Ch. Phila. Inquirer 6/2/77

INTERVIEW SUMMARY
Work Assignment ES002
Lower Darby Creek Area Site

Edward P. Mullen, Jr.

Prepared for:

U.S. Environmental Protection Agency
Region III
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

DASTON Corporation
994 Old Eagle School Road
Suite 1016
Wayne, Pennsylvania 19087

Work Assignment Number:	ES002
Date Submitted:	October 5, 2001
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Carlyn Prisk
Telephone Number:	(215) 814-2625
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-0899
Interviewer:	Michael McCloskey, Tri-State Enterprise

Name: Edward P. Mullen (WITNESS)
C/O BFI Waste Systems
3000 East Hedley Street
Philadelphia, PA 19137

Affiliation: Former Employee
Tri -County Hauling

Telephone: (215) 744-2900
Type of Interview: In-Person
Date of Interview: October 4, 2001

On July 24, 2001, the WITNESS was interviewed at his residence by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. This interview was not tape-recorded. The following individuals were also present and participated in this interview.

- Jeff Martin: Attorney representing Browning Ferris Industries (BFI).
- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III. (USEPA).
- Carlyn Prisk: Civil Investigator for the USEPA, Region III.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Folcroft Landfill area and this map was used throughout the interview.

The WITNESS was asked to explain his association with the Folcroft Landfill.

The WITNESS stated that he worked for Tri-County Hauling from about 1968 to 1976 as a mechanic. He stated that his primary job was to provide maintenance and repair to the vehicles operated by Tri-County Hauling. The WITNESS explained that Tri-County Hauling was a waste transportation Company that serviced commercial customers. He indicated that Tri-County Hauling did not pick up residential waste.

When asked where Tri-County Hauling disposed of the waste picked up from commercial customers, the WITNESS stated that all of the waste picked up by Tri-County Hauling was

transported to and disposed at the Folcroft Landfill during the time period the Folcroft Landfill was open.

When asked if he worked at the Landfill the WITNESS stated no. The WITNESS explained that Tri-County Hauling was separate from the Folcroft Landfill and he only performed work relating to Tri-County Hauling.

When asked where Tri-County Hauling was located the WITNESS stated that Tri-County Hauling operated out of a building located on the south side of Calcon Hook road at the entrance to the Folcroft Landfill. He described the Tri-County facility as a building with an office in the front and a garage in the back. He stated that vehicle maintenance and repair for Tri-County Hauling was performed in this garage.

The WITNESS was asked to describe the types and number of trucks Tri-County Hauling operated, the WITNESS stated that Tri-County Hauling had about 15-20 trucks. He described them as rear-end loader trash trucks. When asked if Tri-County Hauling owned and used roll-off containers, the WITNESS stated yes. When asked the number of roll-off containers used by Tri-County Hauling, the WITNESS stated that he could not recall. When asked if the number of roll-off containers was more than 10, the WITNESS stated yes. When asked if the number of containers was less than 100, the WITNESS stated yes.

The WITNESS was asked if Tri-County Hauling provided customers with the roll-off containers, the WITNESS stated yes. When asked the names and locations of the customers that utilized the Tri-County Hauling roll-off containers, the WITNESS stated that he could not recall.

When asked if the Tri-County Hauling building was where the trucks were stopped before entering the Folcroft Landfill to dispose of their waste, the WITNESS stated no. The WITNESS stated that there was a "shack" or "Lean-to" located across from the Tri-County building. He indicated that all trucks entering the Folcroft Landfill were required to stop at this shack.

The WITNESS stated that an employee from the Folcroft Landfill was stationed at this shack and that a slip was filled out for each truck entering the Folcroft Landfill. He indicated that he believed this slip would have the name of the transporter and the size of the truck. He indicated that this information was taken to the Tri-County office and a bill for the transporter was generated from the information on this slip.

When asked the names of the individuals that worked at the shack and filled out the slips, the WITNESS stated that he could not recall. When asked if he had ever worked at this shack, the WITNESS stated no.

When asked if the individual that filled out the slips at the shack inspected the waste, the WITNESS stated that he did not believe so. The WITNESS stated that he believed the amount charged for each truck was based on the size of the truck.

When asked if the employees at the shack refused to accept any type of waste the WITNESS stated that he believed any type of waste was accepted and he does not recall any trucks being refused on the Folcroft Landfill because of the type of waste.

When asked where the records relating to the slips filled out for each truck entering the Folcroft Landfill are located, the WITNESS stated that he does not know. When asked the location of any records relating to the Tri-County Hauling or the Folcroft Landfill, the WITNESS stated that he did not know.

When asked if the Folcroft Landfill and Tri-County Hauling was owned by the same individual, the WITNESS stated yes. The WITNESS stated that both Folcroft and Tri-County Hauling were owned by Bernie McNickle and that both the Folcroft Landfill and Tri-County Hauling was managed by Ed P. Mullen Sr.

The WITNESS was asked if he ever worked on the Folcroft Landfill. The WITNESS stated no. The WITNESS stated that he was the vehicle mechanic for Tri-County Hauling and spent most of his time in the Tri-County Hauling garage. When asked if he ever went to the Folcroft Landfill to repair Landfill vehicles the WITNESS stated that he recalls going to the Landfill on a few occasions to work on one of the bulldozers. When asked to describe the vehicles operated on the Landfill, the WITNESS provided the following.

- One bulldozer of unknown size.
- One compactor bulldozer

When asked if the Folcroft Landfill also operated a crane, the WITNESS stated that he recalls a crane at the Landfill at some time but was unable to provide a description or recall the time period the crane was operating at the Landfill.

When asked the names of any employees at the Folcroft Landfill, the WITNESS stated that he recalls an individual named "Sqwigy". He did not know this individuals full or correct name.

When asked if he recalled a Robert "Bobby" Williams working on the Folcroft Landfill, the WITNESS stated that he recalls a Bobby Williams who "Ran" the Tri-County shop. When asked if this Bobby Williams operated the crane on the Landfill, the WITNESS stated that he could have.

When asked the locations that Tri-County Hauling picked up waste and transported the waste to the Folcroft Landfill, the WITNESS provided the following.

- Crown, Cork and Seal Company: The WITNESS stated that this company was located in the area of the Skuylkill Expressway and Belmont Avenue in Philadelphia. He stated that this company manufactured tin cans. He did not know what type of waste was picked up at this location. He stated that he did not know how often waste from this Company was disposed of at the Folcroft Landfill.

The WITNESS stated that he could not recall the names of any other companies or locations that Tri-County Hauling picked up waste from.

When asked if Tri-County Hauling picked up incinerator ash from the Delaware County incinerator the WITNESS stated yes. The WITNESS stated that Tri-County Hauling had about three dump trucks that were used to load ashes from the incinerator and transport the ashes to the Folcroft Landfill. The WITNESS stated that the incinerator operated on a 24-hour basis and that these trucks were continuously transporting this ash to the Landfill.

When asked the names of any other transporters that disposed of waste at the Folcroft Landfill, the WITNESS provided the following.

- Charles Crawly: The WITNESS stated that this was the name of a trash company and that he recalls trucks from this company disposing of waste on the Landfill. He could not describe the trucks from this company or the names of any of the drivers. He stated that he did not know the types of trash Crawly disposed of at the Folcroft Landfill.

The witness stated that he could not recall the names of any other transporters that disposed of waste at the Folcroft Landfill. The witness was asked if Eastern Industrial disposed of waste at the Folcroft Landfill. The witness stated that he had heard of Eastern Industrial however, he did not know if Eastern Industrial disposed of waste at the Folcroft Landfill.

The Witness was asked if Marvin Jonis Waste Removal transported waste to the Folcroft Landfill. The witness stated that he did not know.

The witness was asked the names of individuals that worked in the office at Tri-County Hauling. The Witness provided the following.

- Frank Schnofer (unknown correct spelling): The witness stated that this individual is deceased.
- John Danks: The witness stated that this individual is deceased.
- Rudy Gaines: The witness stated that this individual is deceased.
- Thomas Dugan: The witness stated that this individual is deceased.
- Napoleon Galdamire (unknown correct spelling): The Witness did not know the whereabouts of this individual.

The Witness was asked if he was still working for Tri-County Hauling when the Folcroft Landfill closed. The witness stated yes and indicated that the Landfill closed sometime prior to 1976 and that Tri-County Hauling was still operating out of the garage on Calcon Hook Road after the Landfill closed.

The witness further stated that after the Folcroft Landfill closed Tri-County Hauling transported waste to the Kinsley Landfill in New Jersey.

The witness stated that in about 1975 Tri-County Hauling was purchased by SCA Services, the witness believed this is Service Corporation of America. The Witness stated that he was hired by Ace Service Company shortly after SCA purchased Tri-County Hauling.

The Witness stated that in about 1995 Ace Service Company was purchased by BFI.

The witness stated that SCA Services was purchased by Waste Management. He did not know when this purchase occurred.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
Ed P. Mullen

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Provided)

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City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions

Delaware County Solid Waste Authority
1521 North Providence Road
Rose Tree Park
Hunt Club Building
Media, PA 19063

395695

6211

ORIGINAL
(Red)

WORK ASSIGNMENT VERIFICATION FORM

TES (8) ✓ (4) Other

Work Assignment # C03117

Region III

Program: CERCLA

NOTE: Each Work Assignment Manager should review the monthly progress/financial report before verifying costs and return this form directly to the Regional TES Contact within five days of receipt.

✓

Sufficient progress has been made by the contractor to support payment for work performed during the month of September 1991.

The primary contact requested on (date), that the contractor provide additional cost justification in order to verify the costs of this progress report. (A follow-up form will be submitted once cost justification has been provided.)

11/12/91
Date

A. Andrew Sochianski
Work Assignment Manager Signature

**TES VIII WORK ASSIGNMENT STATUS REPORTS
DEFINITION OF TERMS**

LOE EXPENDED - LOE BILLED + LOE COMMITTED

Where: **LOE BILLED -**

**ORIGINAL
(Red)**
Dynamac LOE used and billed through end of current reporting period, plus subcontractor/consultant LOE billed to date.

LOE COMMITTED -

Subcontractor/consultant LOE used during current reporting period.

DOLLARS EXPENDED - DOLLARS BILLED + DOLLARS COMMITTED

Where: **DOLLARS BILLED -**

Dynamac billings through end of current reporting period, plus subcontractor billings to date.

DOLLARS COMMITTED -

Subcontractor/consultant expected billings for current reporting period.

ODCs: Other direct costs are incurred in carrying out work activities authorized by a work assignment. Examples of ODCs are travel costs, long distance telephone charges, postage and other document delivery charges, and duplication and reproduction.

INDIRECT COSTS: These are "support type" costs, not directly related to a specific work assignment, that every company incurs during business operations. Such costs normally include rent, insurance, costs of "support type" personnel, depreciation, and supplies, among others. These various costs are accumulated in groups called "overhead pools." The most commonly utilized "overhead pools" are fringe benefits, overhead, and general and administrative expense. Since different firms have their own "overhead pool" nomenclature, all such costs are aggregated into the indirect costs category.

BASE FEE: Base fee is the portion of a contractor's charges known as profit. Profit generally is characterized as a basic motive of business enterprise and represents a projected monetary excess realized by contractor after deducting costs (both direct and indirect) incurred while performing a task.

C21

DYNAMAC CORPORATION
TES VIII WORK ASSIGNMENT C03117 STATUS REPORT

W.A. Number: C03117
Task Type: RI/FS COMPLIANCE OVERSIGHT
Site Name: ANNE ARUNDEL LANDFILL SITE
Primary Contact: S. Andrew Sochanski
EPA RPO: Donna McGowan
Dynamac Contact: Carl Rodzewich/K. McCutcheon
Telephone Number: 215-889-3900

Report Date: October 18, 1991
Period Covered: September, 1991
CERCLA/RCRA: ORIGINAL CERCLA
Technically Complete: (Red) 30%
LOE Expended: 29%
Dollars Expended: 37%

1. PROFESSIONAL LEVEL OF EFFORT (LOE)

The LOE Billed during this work period was 207.5 hours. The cumulative LOE is 211.5 hours. The estimated LOE at completion of the Work Assignment is 798.0 hours, or 100% of the approved Work Assignment budget.

2. DELIVERABLES

On September 17, 1991, Dynamac submitted to EPA a Work Plan for RI/FS Compliance Oversight of the Anne Arundel County Landfill site.

On September 23, 1991, Dynamac submitted to EPA a Review Report of the Draft Glen Burnie Sanitary Landfill Remedial Investigation report.

3. PROGRESS MADE THIS REPORT PERIOD

Dynamac and EPA conducted a meeting to discuss the statement of work and the project background as part of the preparation for the Work Plan.

Dynamac completed and submitted to EPA the Work Plan for RI/FS Compliance Oversight of the Anne Arundel County Landfill site.

Dynamac reviewed background documents provided by EPA and two site related hydrogeologic studies obtained from Dynamac files as part of the Draft RI Review.

Dynamac completed and submitted to EPA a Review Report of the Draft Glen Burnie Sanitary Landfill Remedial Investigation Report.

4. DIFFICULTIES ENCOUNTERED AND CORRECTIVE ACTION TAKEN

No technical difficulties were encountered during this reporting period.

5. PROJECTED ACTIVITY NEXT PERIOD

Dynamac will submit to EPA, a letter report delineating the documents reviewed during the evaluation of the Draft Remedial Investigation Report.


 ORIGINAL
(Red)

1. FUNDING STATUS

	<u>Hours</u>	<u>Cost/Fee</u>
Total	730.0	\$ 29,930.00

2. HOURS BILLED

By P-Level

	<u>Current</u>	<u>Cumulative</u>
P4	61.0	61.0
P3	107.5	111.5
P2	39.0	39.0
P1	0.0	0.0
Total	207.5	211.5

By Firm

	<u>Current</u>	<u>Cumulative</u>
Dynamac	207.5	211.5
Total	207.5	211.5

3. DOLLARS BILLED

<u>Item</u>	<u>Current</u>	<u>Cumulative</u>
Professional Labor	\$ 4,703.23	\$ 4,794.59
Support Labor	10.58	10.58
ODC	93.00	93.00
Subcontractor	0.00	0.00
Consultant	0.00	0.00
Indirect Costs	5,781.78	5,893.38
Base Fee	317.66	323.75
Award Fee	0.00	0.00
Total Cost & Fee	\$ 10,906.25	\$ 11,115.30

4. COMMITMENTS

<u>Subcontractor/Consultant LOE</u>	<u>Current</u>	<u>Cumulative</u>
Total	0.0	0.0

4. COMMITMENTS (Cont.)

<u>Incurred Costs</u>		<u>Current</u>		<u>Cumulative</u>
Subcontractor	\$	0.00	\$	0.00
ODC		0.00		0.00
Total Committed Charges		0.00		0.00


ORIGINAL
(Red)